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11 UNITED STATES DISTRICT COURT
12 DISTRICT OF NEVADA

13 NML CAPITAL, LTD.,

14 Plaintiff,

15 v.

16 THE REPUBLIC OF ARGENTINA,

17 Defendant.

CASE NO.: 2:14-cv-00492-RFB-VCF

18 **STIPULATION AND ORDER REGARDING**
19 **MOTIONS TO EXCLUDE NML CAPITAL**
20 **LTD.'S PROPOSED DEMONSTRATIVE**
21 **EXHIBITS**

22 Plaintiff NML Capital, Ltd. ("NML"), by and through its attorneys of record, Kirk B.
23 Lenhard, Esq., and Nikki L. Baker, Esq., of Brownstein Hyatt Farber Schreck, LLP, and Dennis
24 H. Hranitzky, Esq., of Dechert LLP, non-parties MF Corporate Services (Nevada) Limited ("MF
25 Nevada") and Patricia Amunategui, by and through their attorney of record, Kent P. Woods, Esq.,
26 of Woods Erickson & Whitaker LLP, and non-party Val de Loire, LLC ("VDL"), by and through
27 its attorney of record, Jason M. Wiley, Esq., of Kolesar & Leatham (NML, MF Nevada, Ms.

1 Amunategui, and VDL are collectively referred to as the "Parties"¹) hereby agree and stipulate,
 2 subject to the Court's approval, as follows:

3 1. In anticipation of the December 12, 2014, hearing, on various pending motions,
 4 NML's counsel prepared four sets of proposed demonstrative exhibits (the "Demonstrative
 5 Exhibits") to aid in his presentation to the Court;

6 2. On December 10, 2014, NML circulated working drafts of the Demonstrative
 7 Exhibits to counsel for MF Nevada and Ms. Amunategui, Mr. Woods, and counsel for VDL, Mr.
 8 Wiley, for review;

9 3. Mr. Woods and Mr. Wiley raised objections to NML's counsel's use of the
 10 Demonstrative Exhibits. The Parties were unable to resolve all of the disputes over the
 11 Demonstrative Exhibits;

12 4. On December 11, 2014, MF Nevada and Ms. Amunategui filed an "Emergency
 13 Motion to Exclude NML Capital Ltd.'s Proposed Demonstrative Exhibits and to Enforce
 14 Protective Order" ("MF Motion to Exclude"). (*See NML Capital, Ltd. v. Republic of Argentina*
 15 (Case No. 2:14-cv-00492-RFB-VCF) ("Argentina I"), Dkt. #70.);

16 5. Also on December 11, 2014, VDL filed an "Emergency Motion to Exclude NML
 17 Capital Ltd.'s Proposed Demonstrative Exhibits" ("VDL Motion to Exclude") (MF Motion to
 18 Exclude and VDL Motion to Exclude are collectively referred to as the "Emergency Motions").
 19 (*See NML Capital, Ltd. v. Republic of Argentina* (Case No. 2:14-cv-01573-RFB-VCF)
 20 ("Argentina II"), Dkt. #30.) MF Nevada and Ms. Amunategui filed a Joinder to the VDL Motion
 21 to Exclude. (*Id.* at Dkt. #31.);

22 6. On December 12, 2014, prior to the hearing, the Court issued an Order informing
 23 the Parties that the Court would hear oral argument on the Emergency Motions, among others.
 24 (*See Argentina I*, Dkt. #71.);

25 7. On December 12, 2014, Magistrate Judge Ferenbach conducted a hearing on
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27 ¹ MF Nevada, Ms. Amunategui and VDL are not parties to this litigation. Use of the "Parties" designation
 28 herein is only intended for ease of reference and shall not be construed as an admission or finding by this Court that
 MF Nevada, Ms. Amunategui and/or VDL are in fact "parties" as such term is used under Rule 45 of the Federal
 Rules of Civil Procedure.

1 several pending motions. (*See* Argentina I, Dkt. #73; *see also* Argentina II, Dkt. #33.) During
 2 the hearing, Magistrate Judge Ferenbach addressed the Demonstrative Exhibits and the
 3 Emergency Motions. (*See id.*) Magistrate Judge Ferenbach ordered that, after the Court ruled on
 4 the sealing motions and before the eventual hearing on the substantive issues scheduled for March
 5 9, 2015, the Parties should try and resolve any outstanding issues concerning the Demonstrative
 6 Exhibits;

7 8. NML's responses to the Emergency Motions are currently due by December 28,
 8 2014. (*See* Argentina I, Dkt. #70; *see also* Argentina II, Dkt. #30.); and

9 9. In light of the foregoing, the Parties respectfully request that the Court approve the
 10 following procedure for addressing the Demonstrative Exhibits and the pending Emergency
 11 Motions:

- 12 a. NML is not required to file its responses to the Emergency Motions on or
 13 by December 28th; rather, the time for NML to file its responses to the
 14 Emergency Motions is extended as set forth below;
- 15 b. Within three (3) judicial days after the date the Court issues an Order on
 16 the pending seal motions regarding the "Confidential" documents, the
 17 Parties will meet and confer in an effort to resolve any outstanding disputes
 18 with regard to the Demonstrative Exhibits; and

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c. If the Parties are unable to resolve all disputes over the Demonstrative Exhibits, counsel for the Parties shall agree upon a reasonable briefing schedule for the Emergency Motions, and file a Stipulation and Order reflecting the same for the Court's consideration and approval. In any event, NML shall file and serve a response no later than March 2, 2015, and any replies shall be filed and served no later than March 9, 2015.

DATED this 23rd day of December, 2014.

KOLESAR & LEATHAM

BROWNSTEIN HYATT FARBER
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*Attorneys for M.F. Corporate Services
(Nevada) Limited and Patricia Amunategui*

IT IS SO ORDERED.

DATED this ____ of December, 2014.

CAM FERENBACH
UNITED STATES MAGISTRATE JUDGE

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1 Respectfully submitted by:

2 BROWNSTEIN HYATT FARBER SCHRECK, LLP

3
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CERTIFICATE OF SERVICE

Pursuant to Fed.R.Civ.P.5(b), I certify that I am an employee of BROWNSTEIN HYATT FARBER SCHRECK, LLP, and that the foregoing **STIPULATION AND ORDER REGARDING MOTIONS TO EXCLUDE NML CAPITAL LTD.'S PROPOSED DEMONSTRATIVE EXHIBITS** was served via U.S. Mail, postage prepaid, on the date and to the address shown below:

Carmine D. Boccuzzi, Jr., Esq.
CLEARY, GOTTLEIB, STEEN & HAMILTON, LLP
One Liberty Plaza
New York, NY 10006
Counsel for Defendant The Republic of Argentina

DATED this 23rd day of December, 2014.

/s/ Karen Mandall
an employee of Brownstein Hyatt Farber Schreck, LLP

BROWNSTEIN HYATT FARBER SCHRECK, LLP

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